

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER: West, Lewis G

SERIAL NO.: 10/750,277

GROUP: 2618

Confirm. No.: 2708

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CASE NO.: CS90099RL

**ENTITLED: METHOD AND APPARATUS FOR A COMMUNICATION SYSTEM
OPERATING IN A LICENSED RF AND AN UNLICENSED RF BAND**

AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Commissioner:

Responsive to the Office Actions dated 02 November 2007 and 05 June 2008,
consideration of the following remarks and withdrawal of the outstanding objections and
rejections is respectfully requested.

Please amend the above-referenced application as follows:

Listing of the claims begin on page 2.

Remarks begin on page 4.

IN THE CLAIMS:

This listing of the claims replaces all previous claims listings:

1-9 Previously Cancelled.

10. (Currently amended) A method in a communication system operating in a licensed radio frequency band and an unlicensed radio frequency band comprising:

exchanging traffic information between a base station and a mobile station on at least one radio channel in the unlicensed radio frequency band; and

exchanging control information that is associated with the traffic information, in the licensed radio frequency band,

wherein exchanging traffic information further comprises exchanging traffic information on a traffic channel in the unlicensed radio frequency band,

wherein a channel in the licensed radio frequency band includes a slow associated control channel and an on-demand fast associated control channel,

wherein the slow associated control channel is dedicated to a first mobile station of a plurality of mobile stations,

wherein the on-demand fast associated control channel is shared between the plurality of mobile stations, and

wherein a request for use of the shared on-demand fast associated control channel by a mobile station of the plurality of mobile stations is transmitted on the slow associated control channel.

11. (Currently Amended) A method in a communication system operating in a licensed radio frequency band and an unlicensed radio frequency band comprising:

exchanging traffic information between a base station and a mobile station on at least one radio channel in the unlicensed radio frequency band; and

exchanging control information that is associated with the traffic information, in the licensed radio frequency band,

wherein exchanging traffic information further comprises exchanging traffic information on a traffic channel in the unlicensed radio frequency band,

wherein a channel in the licensed radio frequency band includes a slow associated control channel and an on-demand fast associated control channel,

wherein the slow associated control channel is dedicated to a first mobile station of a plurality of mobile stations,

wherein the on-demand fast associated control channel is shared between the plurality of mobile stations, and

wherein control of the use of the on-demand fast associated control channel between the plurality of mobile stations is by a use field or a grant field encoded on a dedicated slow associated control channel.

REMARKS

Rejection Summary

Claims 10-11 have been rejected under the judicially created doctrine of obviousness-type double patenting.

Applicant respectfully traverses all the outstanding rejections and requests reconsideration and withdrawal thereof in view of the following remarks.

Amendments to the Claims

Commas have been added to the third wherein clause of claims 10 and 11. Thus, no new matter issues are presented.

Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claim Rejections based on obviousness type double patenting

The Office Action rejects claims 10 -11 under the judicially created doctrine of obviousness type double patenting over claims 9 of co pending patent application No. 11/972,109. A Terminal Disclaimer has been previously filed that disclaims the terminal part of any patent granted on the instant application which would extend beyond the expiration date of the Patent application No. 11/972,109. Accordingly, Applicants respectfully request withdrawal of the rejection under the judicially created doctrine of obviousness type double patenting.

Therefore, Applicants respectfully submit that independent claims 10 and 11 define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the Double Patenting rejection.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Respectfully submitted,

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